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2 **UNITED STATES DISTRICT COURT**
3 **EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION**
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5 DOLORES J. MURPHY, as Trustee of the
6 CHARLES M. MURPHY
ADMINISTRATIVE TRUST,

7 Plaintiff,

8 v.

9 UNITED STATES OF AMERICA,

10 Defendant.

Case No. 1:24-cv-00260-KES-BAM

**PROPOSED ORDER RE STIPULATION
TO CONTINUE MANDATORY
SCHEDULING CONFERENCE**

(ECF Nos. 4, 9, 13, 14)

**Sched. Conference: August 28, 2024
9:00 AM
Courtroom 8 (BAM)**

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12 Plaintiff Dolores J. Murphy, as Trustee of the Charles M. Murphy Administrative Trust
13 (the “Administrative Trust”), initiated this suit for refund of tax/civil penalties against Defendants
14 the United States of America on February 29, 2024. (Doc. 1.) Defendant the United States of
15 America’s Answer or other responsive pleading in this case is due on July 8, 2024. The initial
16 mandatory scheduling conference is currently scheduled for May 30, 2024. (Docs. 4, 10.)

17 On May 17, 2024, the parties filed a Stipulation to Continue Joint Scheduling Report
18 Deadline and Mandatory Scheduling Conference (Doc. 13) stipulating to a continuance of the
19 mandatory scheduling conference for 90 days. The parties proffer that it is premature to hold the
20 mandatory scheduling conference at this time and that the requested 90-day continuance of the
21 mandatory scheduling conference will allow counsel for Defendant the United States time to
22 obtain and review the Internal Revenue Service’s administrative files related to this case, and
23 allow counsel for Plaintiff Dolores J. Murphy, as Trustee of the Administrative Trust, and counsel
24 for Defendant the United States to engage in informal discovery. (*Id.*) The parties have also
25 informed the Court that on May 13, 2024, counsel for Plaintiff Dolores J. Murphy, as Trustee of
26 the Administrative Trust, provided counsel for Defendant the United States with a pdf copy
27 several key documents for him to review and consider in order to evaluate the merits of Plaintiff
28 Dolores J. Murphy’s claims for refund, on behalf of the Administrative Trust, of the assessed and

1 collected civil penalties that are in issue in this case. (*Id.*) The parties have also informed the
2 court that after counsel has reviewed these documents, counsel for Plaintiff Dolores J. Murphy, as
3 Trustee of the Administrative Trust, and counsel for Defendant the United States will meet and
4 confer to discuss these documents and Plaintiff Dolores J. Murphy's claims for refund, on behalf
5 of the Administrative Trust, of the assessed and collected civil penalties that are in issue in this
6 case. (*Id.*)

7 The Court finds that good cause exists to grant the requested extension of the mandatory
8 scheduling conference in this case.

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. The Mandatory Scheduling Conference currently set for May 30, 2024, is continued
11 to **August 28, 2024, at 9:00 AM in Courtroom 8 (BAM) before Magistrate Judge**
12 **Barbara A. McAuliffe**. The parties shall appear at the conference remotely either
13 via Zoom video conference or Zoom telephone number. The parties will be provided
14 with the Zoom ID and password by the Courtroom Deputy prior to the
15 conference. The Zoom ID number and password are confidential and are not to be
16 shared. Appropriate court attire required; and
- 17 2. The parties shall file a joint scheduling report seven (7) days prior to the scheduling
18 conference.

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20 IT IS SO ORDERED.

21 Dated: **May 20, 2024**

22 /s/ Barbara A. McAuliffe
23 UNITED STATES MAGISTRATE JUDGE
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